



reinforcement defining an increased wall thickness in a localized area to strengthen the longer side wall surface.

### REMARKS

Claims 1-14 remain pending in the present application. Claims 1-6, 11 and 12 have been amended. Claims 13 and 14 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings as originally filed.

### REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3, 4, 5, 6, 7, 8, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn U.S. Patent No. 5,257,662 in view of Nakamura U.S. Patent No. 5,875,836. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn U.S. Patent No. 5,257,662 in view of Case U.S. Patent No. 5,259,449. Claim 1 has been amended to define a fluid flow direction for the fluid which flows through the tubes. The header tanks have then been defined as being disposed such that the long side wall surface of the header tank is generally parallel to the fluid flow direction and the short wall surface of the header tank is generally perpendicular to the fluid flow direction. This orientation of the header tank is opposite to that in Osborn thus providing the mounting members on the face or side of the heat exchanger and not on the top edge as illustrated on Osborn. Nakamura discloses what appears to be a generally square header tank and thus it does not have a long and a short side. If Nakamura is defined as having a rectangular (not square) header tank, then the

mounting member (Groove 35a) is disclosed as being located on the short side of the header tank. Thus, Osborn taken alone, Nakamura taken alone or Osborn in combination with Nakamura does not disclose, teach or suggest the heat exchanger now defined in amended Claim 1.

Thus, applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-12 which ultimately depend from Claim 1 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### NEW CLAIMS

New Claim 13 is an independent claim which defines the mounting member as being secured to a portion of the longer side wall surface which forms the fluid chamber. The mounting member 40 of Osborn is an extension added on after the fluid chamber and is not a portion of the longer side wall surface which forms the fluid chamber. Neither wall 40a or 40b of Osborn form the fluid chamber as illustrated in Figure 3. In addition, because extension 40 includes mounting rules 42, there would be no incentive or suggestion to position extension 40 such that it forms the fluid chamber.

New Claim 14 is an independent claim which includes the limitations that the reinforcement defines an increased wall thickness in a localized area to strengthen the longer side wall. None of the references cited by the Examiner disclose the increased wall thickness of the localized area of the longer side wall with the mounting member being secured to the longer side wall.

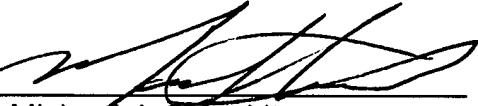
## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:

  
Michael J. Schmidt  
Reg. No. 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600